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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: HILB / 609C3

Applicant: Daniel J. Parker

Title: COMBINATION LAWN/GARDEN ORNAMENT AND CREMATION CONTAINER

**CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10**

'Express Mail' mailing label number: EL576792135US  
Date of Deposit: September 20, 2000

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Ryan Cummins (person mailing paper)

# UTILITY PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☐ Original (non-provisional) application.  
☐ Divisional of prior application Serial No. \_\_\_, filed on \_\_\_\_.  
☐ Continuation of prior application Serial No. \_\_\_, filed on \_\_\_\_.  
☒ Continuation-in-part of prior application Serial No. 09/378,884, filed on August 23, 1999, which is a continuation application of Serial No. 09/295,557 filed 4/21/99, now U.S. Patent No. 6,112,382 issued 09/05/00, which is a divisional application of Serial No. 08/797,413 filed 2/10/97, now U.S. Patent No. 5,903,961 issued 05/18/99.

For Divisional and Continuation applications ONLY:

- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).
- ☒ **Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.**

For all Divisional, Continuation and Continuation-in-part applications:

- ☐ A Small Entity Statement was filed in the prior application, small entity status is still proper and desired.
- ☐ This application is assigned to Batesville Services, Inc. by virtue of an earlier assignment filed in the prior application at Reel 8552, Frame 0082.

### PRELIMINARY AMENDMENT/CALCULATION OF FEES

- ☐ Please cancel claims \_\_ without prejudice, and prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. \_\_ total claim(s), of which \_\_ is(are) independent, is(are) pending after the amendment.

**☒ The Fees are Calculated as Follows:**

| Fee:  | Number of Claims: | In Excess of: | Extra: | At Rate: | Amount:  |
|---|-------------------|---------------|--------|----------|----------|
| Total Claims                                | 20                | 20            | 0      | \$18     | \$0.00   |
| Independent Claims                          | 3                 | 3             | 0      | \$78     | \$0.00   |
| MULTIPLE DEPENDENT CLAIM FEE                |                   |               |        |          |          |
| BASIC FEE                                   |                   |               |        |          | \$690.00 |
| TOTAL OF ABOVE CALCULATIONS                 |                   |               |        |          | \$690.00 |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY |                   |               |        |          |          |
| TOTAL                                       |                   |               |        |          | \$690.00 |

### ENCLOSURES

- ☒ Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.**
- ☒ Return Postcard.**

APPLICATION PAPERS

- ☒ Utility Patent Application, with: 23 page(s) specification (including 20 total claim(s), of which 3 is(are) independent), and 1 page(s) abstract.**
- ☒ Drawings: 6 sheet(s) of formal drawings (12 total figure(s)).**
- ☐ Microfiche Computer Program (Appendix).
- ☐ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.
- ☒ An Executed Declaration, Power of Attorney and Petition Form.**
- ☐ Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.
- ☐ Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

- ☒ Assignment to Batesville Services, Inc., Recordation Cover Sheet (Form PTO-1595)**
- ☐ Verified Statement to Establish Small Entity Status under 37 CFR 1.9 and 1.27.
- ☐ Preliminary Amendment (to be entered prior to calculation of fees)
- ☐ Information Disclosure Statement, \_\_ sheet(s) Form PTO-1449, \_\_ U.S. Patent Reference(s), \_\_ Foreign Patent Reference(s) and \_\_ Other Reference(s)
- ☐ Other: \_\_

CHECKS

- ☒ A Check of \$690.00 for the filing fee.**
- ☒ A Check of \$40.00 for the assignment recording fee.**

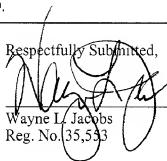
**DEPOSIT ACCOUNT AUTHORIZATION**

- ☐ Please charge Deposit Account No. 23-3000 in the amount of \_\_\_\_.
- ☒ **The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.**
- ☐ THE PAYMENT OF FEES IS BEING DEFERRED.

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Respectfully Submitted,

  
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COMBINATION LAWN/GARDEN ORNAMENT AND CREMATION  
CONTAINER

Related Applications

This application is a continuation in part of co-pending application Serial No. 09/378,884, assigned to the Assignee of the present invention, and hereby incorporated by reference herein as if fully set forth in its entirety.

Field of the Invention

This invention relates generally to funeral products, and more particularly to cremation containers for displaying cremated human remains contained therein.

Background of the Invention

Cremation is a growing segment of the funeral industry.

Consequently, there is an increasing demand for more and higher quality styles and designs of cremation containers.

One popular design theme for cremation urns is the outdoor/animal theme. Five such designs are disclosed in U.S. Patent Nos. Des. 356,421, 370,767, 370,766 and 370,768, and U.S. Patent application Serial No. 08/733,882, all of which are assigned to the assignee of the present invention and are hereby incorporated by reference herein as if fully set forth in their entirety.

Other, more traditional styles of cremation urns are disclosed in, for example, U.S. Patent Nos. Des. 344,839, 345,848, 356,422 and 360,732, all of which are assigned to the assignee of the present invention and are hereby incorporated by reference herein as if fully set forth in their entirety.

All of the above-described cremation containers are adapted to be displayed in the residence of a loved one of the deceased, for example, on a fireplace mantel, coffee table, end table or the like.

There is a continuing need for attractive, yet somewhat non-traditional, progressive or alternative, means for displaying the cremated remains of a deceased by a loved one wishing to memorialize the past life of the deceased.

#### Summary of the Invention

The present invention is both method of and apparatus for memorializing a deceased. The method of memorializing a deceased

comprises providing a lawn or garden sculpture comprising a pedestal and an ornament mounted atop the pedestal, the lawn or garden sculpture being adapted to contain cremated remains of the deceased, placing the cremated remains of the deceased in the lawn or garden sculpture and displaying the lawn or garden sculpture on a lawn or in a garden of a loved one of the deceased.

Preferably the cremated remains are stored in the pedestal of the lawn or garden sculpture. More preferably, the cremated remains are first placed in a cylindrical container and then the cylindrical container is placed in the pedestal of the lawn or garden sculpture. The method further preferably comprises effecting a seal between the ornament and the pedestal after the cylindrical container of cremated remains is placed in the pedestal of the lawn or garden sculpture. The ornament may be a sundial, an armillary or a bird bath.

The apparatus of the present invention comprises a combination lawn or garden sculpture and cremation remains container comprising a pedestal having an open first end, a closed second end and at least one wall interconnecting the first and second ends, a container, adapted to receive therein cremation remains, removably received in the pedestal and having an open first end, a closed second end and at least one wall interconnecting the first and second ends and an ornament mounted to an uppermost one of the first and second ends of the pedestal.

The pedestal first end is preferably an upper end and the pedestal second end is preferably a lower end. The container first end is preferably an upper end and the container second end is preferably a lower end. The container is preferably cylindrical and preferably includes a removable cover on the upper end thereof. The cover preferably includes a radially inner cylindrical portion and a radially outer circular lip. The cylindrical portion fits within an inside of the upper end of the cylinder and the lip fits on an outside of the upper end of the cylinder.

Preferably a gasket is interposed between the ornament and the pedestal. The ornament may preferably be a sundial, an armillary or a bird bath.

The present invention is also a combination lawn/garden ornament and cremation container. The combination lawn/garden ornament and cremation container comprises a decorative structure adapted to be displayed outdoors on a lawn or in a garden of a loved one of a deceased, and an openable and closable compartment adapted to contain cremated remains of the deceased.

In one embodiment of the present invention, the decorative structure comprises a hollow pedestal upon which is mounted a sundial. The openable and closable compartment comprises a tube positioned within the hollow pedestal with a cap removably secured on an end thereof. The tube is preferably fabricated of plastic and includes a flange at a lower end thereof. The flange is secured to a base portion of the pedestal with fasteners, and the

cap is removably secured to an upper end of the tube. The cap is preferably a press-fit on the upper end of the tube. The sundial preferably includes an upwardly oriented face thereon including a personalized inscription thereon memorializing the deceased.

5 In another embodiment of the present invention, the decorative structure comprises a stepping stone, a portion of which is adapted to be displayed above a ground surface. The openable and closable compartment comprises a container, integral with the stepping stone, and extending downwardly from a lower surface thereof, and a cover removably secured to the container, the container being adapted to be positioned below a ground surface. The stepping stone and container are preferably fabricated of concrete and the stepping stone includes a stained glass inlay on an upper surface thereof. The stepping stone further preferably includes a central region on the upper surface including a personalized inscription thereon  
10 memorializing the deceased. The cover may be removably secured to a lower end of the container, or alternatively, may be removably secured to a lateral side of the container.

In yet another embodiment the decorative structure comprises a planter box. The openable and closable compartment comprises a container forming a part of the planter box and a cover removably secured to the container. The container may be formed in a bottom of the planter box, with the cover being removable from a lower side thereof; alternatively, the container may be formed in a side of the planter box, with the cover being  
20

removable from an upper side thereof. In the case of the latter, the container upper edge is preferably recessed below an upper edge of the planter box to thereby allow soil to cover the container and cover. A side wall of the planter box preferably includes a personalized inscription thereon memorializing the deceased.

In still another embodiment of the present invention, the decorative structure comprises a wind chime assembly including a plurality of chimes. The openable and closable compartment may comprise a container forming a part of an upper support from which the chimes of the assembly are suspended. Alternatively, the openable and closable compartment may comprise a container forming a part of a chime motion inducing pendulum of the wind chime assembly.

The main advantage of the present invention is that a combination lawn/garden ornament and cremation container is provided which provides a loved one of a deceased an alternative, somewhat nontraditional yet nonetheless attractive means of displaying the cremated remains of the deceased.

These and other objects and advantages of the present invention will become more readily apparent during the following detailed description taken in conjunction with the drawings herein, in which:

Brief Description of the Drawings

Fig. 1 is a perspective view of one embodiment of the present invention;

Fig. 2 is a partial bottom perspective view of the embodiment of Fig. 1;

Fig. 3 is a side cross-sectional view of another embodiment of the present invention;

5 Fig. 4 is a perspective view of another version of the embodiment of Fig. 3;

Fig. 5 is a perspective view of yet another embodiment of the present invention;

Fig. 6 is a side cross-sectional view of the embodiment of Fig. 5;

10 Fig. 7 is a perspective view another version of the embodiment of Fig. 5;

Fig. 8 is a perspective view of still another embodiment of the present invention;

15 Fig. 9 is a perspective view of another version of the embodiment of Fig. 8;

Fig. 10 is a perspective view of a further embodiment of the present invention;

Fig. 11 is a cross-sectional view taken along line 11-11 in Fig. 10;

20 Fig. 12 is a side partial cross-sectional view of yet a further embodiment of the present invention.

Detailed Description of the Invention

Referring first to Fig. 1, there is illustrated one embodiment of a combination lawn/garden ornament and cremation container of the present invention, designated generally by the numeral 10. Generally speaking, the combination lawn/garden ornament and cremation container 10 comprises a decorative structure adapted to be displayed outdoors on a lawn and/or in a garden of a loved one of a deceased, and including an openable and closeable compartment adapted to contain the cremated remains of the deceased.

Describing the Fig. 1 embodiment in more detail, and referring now to Figs. 1 and 2, the combination 10 comprises a hollow pedestal 12 upon which is mounted a sundial 14. Pedestal 12 includes a base portion 16 and an upright sundial supporting portion 18. Positioned within the pedestal 12, which is hollow, is a tube 20 including a cap 22 which is removably secured on an upper end thereof. Tube 20 and cap 22 are preferably fabricated of ABS plastic. Tube 20 preferably includes a flange 24 on a lower end thereof, which flange 24 is secured to the base 16 via fasteners 26. The cap 22 is preferably a press fit on the end of the tube 20. Cremated remains of the deceased may be inserted within the tube 20, and then cap 22 placed upon the end of the tube 20. Tube 20 is then inserted into pedestal 12 and secured with the fasteners 26. If desired, the cremated remains may be encased within a plastic bag or the like prior to insertion within the tube 20. Sundial 14 preferably includes an upwardly oriented face 28 thereon suitable for inscribing thereon a personalized inscription memorializing the deceased.

Referring now to Figs. 3 and 4, there is illustrated another embodiment 30 of the combination lawn/garden ornament and cremation container of the present invention. This embodiment 30 comprises a stepping stone 32, a portion 34 of which is adapted to be displayed above a ground surface 36. A container 38 is formed integral with the stepping stone 32, and extends downwardly from a lower surface 40 of the stepping stone 32, and includes a cover 42 which is removably secured to the container 38. Of course container 38 is adapted to be positioned below the ground surface 36, i.e. buried. The stepping stone 32 and container 38 may be fabricated of, for example, concrete and may include suitable reinforcing structure such as the rebar shown at 44. Cover 42 may be attached to container 38 with suitable fasteners and the like, and sealed with silicone caulk. Alternatively, container 38 may be fabricated of sheet metal with a peripheral flange or the like secured to surface 40 of stone 32 with suitable fasteners.

As shown in Fig. 4, the stepping stone 32 may include a decorative stained glass inlay 46 thereatop, and a central region 48 for inscribing a personalized inscription memorializing the deceased. Fig. 4 also illustrates another version of the embodiment of Fig. 3, wherein a cover member 50 is removably secured to a lateral side 52 of the container 38 via fasteners 54 or the like and of course sealed with silicone caulk or the like. As in the embodiment illustrated in Figs. 1 and 2, ashes of a deceased 56 may be encased within a plastic bag 58 prior to insertion into the container 38.

Referring now to Figs. 5-7, there is illustrated yet another embodiment of the combination lawn/garden ornament and cremation container of the present invention, illustrated at 60. In this embodiment, a planter box 62 is provided for planting therein a plant as at 64 in soil as at 66  
5 contained within the planter box 62. A side wall 68 includes an area 70 for a personalized inscription thereon memorializing the deceased. As shown in Fig. 6, a container 72 is formed in the bottom of the planter box 62. A false bottom 74 is secured by fasteners 76 to angles 78 mounted to the side walls 69 of the planter box 62. Volume 80 defined thereby is for receiving the  
10 cremated remains 82. Additional angle sections 84 are secured to the side walls 69 of the planter box 62 and are for receiving thereagainst a cover 86 attached thereto with suitable fasteners and silicone caulk.

Fig. 7 illustrates another version of the planter box of Figs. 4 and 5, but with the container 90 formed in the side of the planter box 62.  
15 Container 90 may be a separate container which is fixed within the planter box 62 by any conventional means, or it may be integrally formed therewith. In any event, container 90 includes a cover 92 removably securable on an upper side thereof via fasteners 94 and silicone caulk and the like. Cremated remains 96 are positioned within the container 90. The upper edge 98 of the  
20 container 90 is preferably located below the upper edge 100 of the planter box 62 so that soil 66 within the planter box 62 conveniently covers the container 90 and cover 92.

Figs. 8 and 9 illustrate yet another embodiment of the combination lawn/garden ornament and cremation container of the present invention, designated generally by the numeral 120. In these embodiments, and with like numbers representing like components, a wind chime assembly

5 122 comprises, generally, a wind chime support 124 which is adapted to be suspended from an eave, soffit, tree limb or the like via strandlike members 126. Suspended from the support 124 are a plurality of hollow pipes 128 or other devices which generate pleasing tones as they strike one another as during a breeze or the like. Pipes 128 are suspended from the support 124 via

10 strandlike members 130. A central clacker 132 is suspended from support 124 via strand like member 134 and has suspended therefrom, a chime motion-inducing pendulum 136 via strandlike member 138. In the embodiment shown in Fig. 8, the chime motion-inducing pendulum 138 includes a cover 140 removably securable thereon, for containing therein cremated remains

15 142. In the embodiment illustrated in Fig. 9, a modified form of the upper support, denoted by the numeral 124A, includes a hollow cylinder 150 including cremated remains 152 therein, and a cover 154 removably securable upon the cylinder 150. Cylinder 150 may, for example, be externally or internally threaded to cooperate with internal or external threads

20 respectively of cover 154, for removably securing the cover 154 on the cylinder 150 after the remains 152 are placed therein.

The various embodiments of the present invention all provide a unique means for memorializing a loved one by providing a decorative

lawn/garden ornament in conjunction with a cremation container for displaying the same on a lawn and/or in a garden of a loved one of the deceased.

5 A preferable form of sundial 14 of the present invention is available from Virginia Metal Crafters, Waynesboro, Virginia, as part Nos. 3813 or 9932. A preferable pedestal 12 is also available from Virginia Metal Crafters as part No. 3811.

Planter box 62 may preferably be of the type which is likewise available from Virginia Metal Crafters as part Nos. 9934 or 9935.

10 The wind chimes 120 may preferably be of the type denoted Woodstock Chimes® by Woodstock Percussion, Inc., West Hurley, New York.

Referring now to Figs. 10 and 11 there is illustrated a perspective view of a further embodiment 200 of the present invention. This embodiment 200 comprises, generally, a pedestal 202, a container 204  
15 adapted to receive cremation remains removably received in the pedestal 202 and an ornament 206 mounted to the pedestal 202. More particularly, pedestal 202 includes an open first end 210, a closed second end 212 and a wall in the form of a decorative cylinder 214 interconnecting the first and second ends 210, 212. Container 204 includes an open first end 220 closable  
20 with a cover 222 and a closed second end 224. A wall in the form of a cylinder 226 interconnects the first and second ends 220, 224. Closed end 224 could be provided by either utilizing a second cover 222 to seal the end

224 or the end 224 and cylindrical wall 226 could be fabricated as an integral part as by plastic molding, etc.

Referring to Fig. 11, cover 222 preferably includes a radially inner cylindrical portion 230 and a radially outer circular lip 232. The  
5 cylindrical portion 230 fits within an inside diameter of the upper end 220 of cylinder 226 and the lip 232 fits on an outside of, i.e. on the end edge of, the cylinder 226.

Referring back to Fig. 10, ornament 206 may advantageously be an armillary having a base plate 240. Preferably base plate 240 includes  
10 an opening 242 therein for viewing a nameplate 244 therethrough, which nameplate 244 is secured to the underneath side of the base plate 240 via clips 246 and screws 248 which thread into tapped bosses 250 on the underneath side of the base plate 240. Further features of the nameplate 244 and attachment structure may be gleaned from U.S. Patent No. Des. 424,275,  
15 assigned to the assignee of the present invention and hereby incorporated by reference herein as if fully set forth in its entirety.

Base plate 240 further includes tapped bosses 260 on the underneath side thereof. Screws 262 pass upwardly through clearance holes in ears 264 associated with the upper end 210 of pedestal 202 and thread into  
20 the tapped bosses 260 to secure ornament 206 to pedestal 202. A gasket 266 is compressed between base plate 240 and upper end 210 of pedestal 202 to provide weather resistance thereto.

Referring back to Fig. 11, pedestal 202 may advantageously include a base 270 integral with cylinder 214 or otherwise secured thereto. Base 270 includes a tapped boss 272 on an underneath side thereof which threadably receives an elongated bolt 274. Bolt 274 may be set in concrete or  
5 simply driven into the ground to provide additional stability to the invention 200.

Referring now to Fig. 12, another ornament in the form of a bird bath 280 may be mounted to pedestal 202. Bird bath 280 would advantageously include tapped holes 282 on a lower side thereof in the same  
10 hole pattern as the tapped bosses 260 on the underneath side of base plate 240 for mating with ears 264 on pedestal 202. A placard 284 could advantageously be mounted to bird bath 280 to include text thereon in a manner similar to name plate 242. An imitation bird 286 could likewise be mounted on bird bath 280 to present a realistic appearance. Further features  
15 of the bird bath 280 may be gleaned from U.S. Patent Application Serial No. 29/128,690, assigned to the assignee of the present invention and hereby incorporated by reference herein as if fully set forth in its entirety. Many other ornaments could be mounted atop pedestal 202 other than an armillary and bird bath, and the invention is therefore not to be limited only thereto.

20 Those skilled in the art will readily recognize numerous adaptations and modifications which can be made to the present invention which will result in an improved combination lawn/garden ornament and cremation container, yet all of which will fall within the spirit and scope of the

present invention as defined in the following claims. Accordingly, the invention is to be limited only by the scope of the following claims and their equivalents.

What is claimed is:

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1. A method of memorializing a deceased comprising:

providing a lawn or garden sculpture comprising a pedestal and an ornament mounted atop the pedestal, the lawn or garden sculpture being adapted to contain cremated remains of the deceased;

5 placing the cremated remains of the deceased in the lawn or garden sculpture; and

displaying the lawn or garden sculpture on a lawn or in a garden of a loved one of the deceased.

2. The method of claim 1 wherein the cremated remains are placed in the pedestal of the lawn or garden sculpture.

3. The method of claim 2 wherein the cremated remains are first placed in a cylindrical container and then the cylindrical container is placed in the pedestal of the lawn or garden sculpture.

4. The method of claim 3 further comprising effecting a seal between the ornament and the pedestal after the cylindrical container of cremated remains is placed in the pedestal of the lawn or garden sculpture.

5. The method of claim 1 wherein the ornament is a sundial.

6. The method of claim 1 wherein the ornament is an armillary.

7. The method of claim 1 wherein the ornament is a bird bath.

8. Combination lawn or garden sculpture and cremation

remains container comprising:

a pedestal having an open first end, a closed second end and at least one wall interconnecting said first and second ends;

5 a container, adapted to receive therein cremation remains, removably received in said pedestal and having an open first end, a closed second end and at least one wall interconnecting said first and second ends; and

10 an ornament mounted to an uppermost one of said first and second ends of said pedestal.

9. The combination of claim 8 wherein said pedestal first end is an upper end and said pedestal second end is a lower end.

10. The combination of claim 8 wherein said container first end is an upper end and said container second end is a lower end.

5 11. The combination of claim 10 wherein said container is a cylinder and includes a removable cover on said upper end thereof.

10 12. The combination of claim 11 wherein said cover includes a radially inner cylindrical portion and a radially outer circular lip, and wherein said cylindrical portion fits within an inside of said upper end of said cylinder and said lip fits on an outside of said upper end of said cylinder.

13. The combination of claim 8 further comprising a gasket interposed between said ornament and said pedestal.

14. The combination of claim 8 wherein said ornament is a sundial.

15 15. The combination of claim 8 wherein said ornament is an armillary.

16. The combination of claim 8 wherein said ornament is a bird bath.

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~~17.~~ Combination lawn or garden sculpture and cremation  
remains container comprising:

a pedestal having an open upper end, a closed lower end and  
at least one wall interconnecting said upper and lower ends;

5 a container, adapted to receive therein cremation remains,  
removably received in said pedestal and having an open upper end, a closed  
lower end, at least one wall interconnecting said upper and lower ends and a  
removable cover on said upper end;

10 an ornament mounted to said upper end of said pedestal; and  
a gasket interposed between said ornament and said pedestal.

18. The combination of claim 17 wherein said container is a cylinder.

19. The combination of claim 17 wherein said cover includes a radially inner cylindrical portion and a radially outer circular lip, and wherein  
5 said cylindrical portion fits within an inside of said upper end of said cylinder and said lip fits on an outside of said upper end of said cylinder.

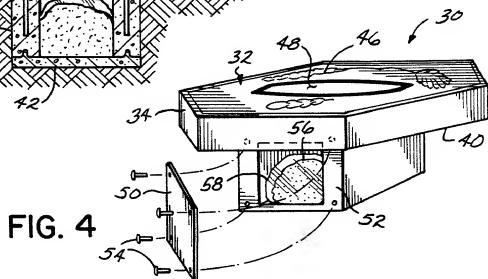
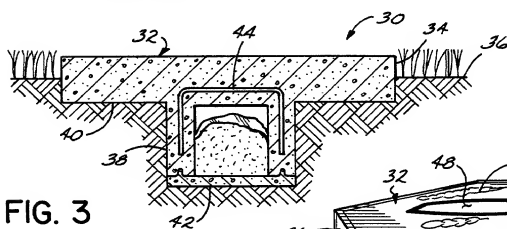
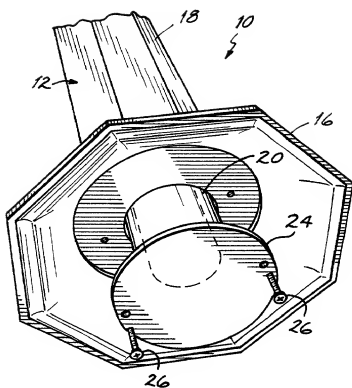
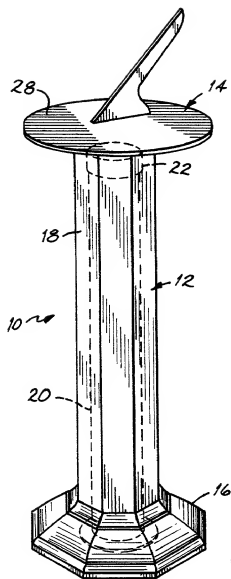
20. The combination of claim 17 wherein said ornament is selected from a group consisting of a sundial, an armillary and a bird bath.

COMBINATION LAWN/GARDEN ORNAMENT AND CREMATION  
CONTAINER

Abstract of the Disclosure

5 A method of memorializing a deceased comprises providing a  
lawn or garden sculpture comprising a pedestal and an ornament mounted  
atop the pedestal, the lawn or garden sculpture being adapted to contain  
cremated remains of the deceased, placing the cremated remains of the  
deceased in the lawn or garden sculpture and displaying the lawn or garden  
sculpture on a lawn or in a garden of a loved one of the deceased. The  
10 apparatus for memorializing a deceased comprises a combination lawn or  
garden sculpture and cremation remains container comprising a pedestal  
having an open first end, a closed second end and at least one wall  
interconnecting the first and second ends, a container, adapted to receive  
therein cremation remains, removably received in the pedestal and having an  
15 open first end, a closed second end and at least one wall interconnecting the  
first and second ends and an ornament mounted to an uppermost one of the  
first and second ends of the pedestal.

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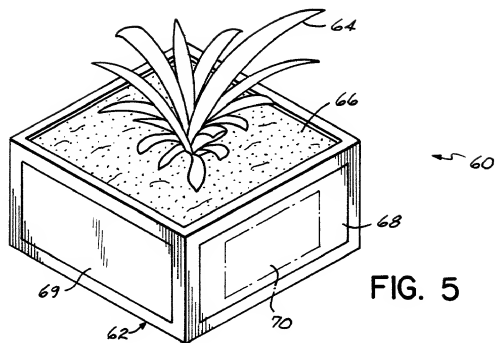


FIG. 5

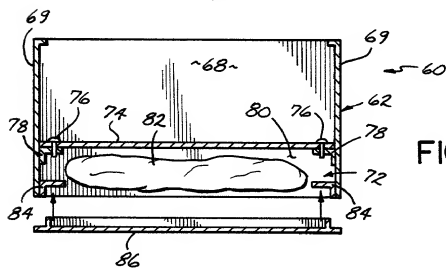


FIG. 6

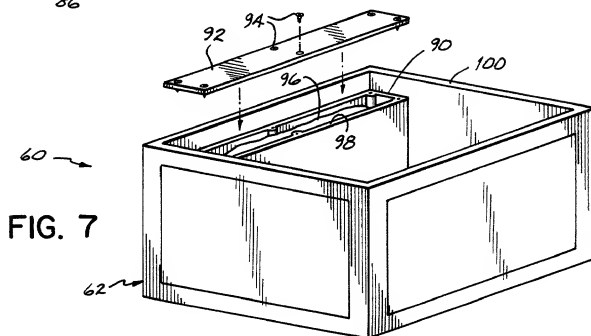


FIG. 7

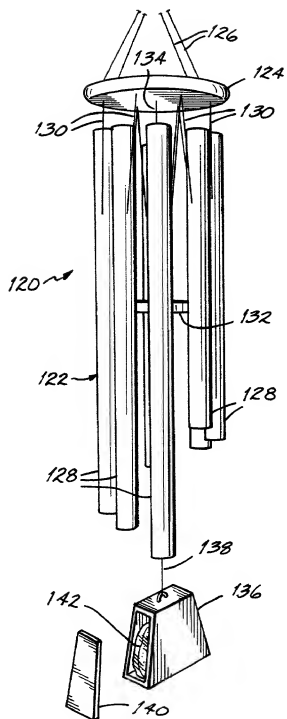


FIG. 8

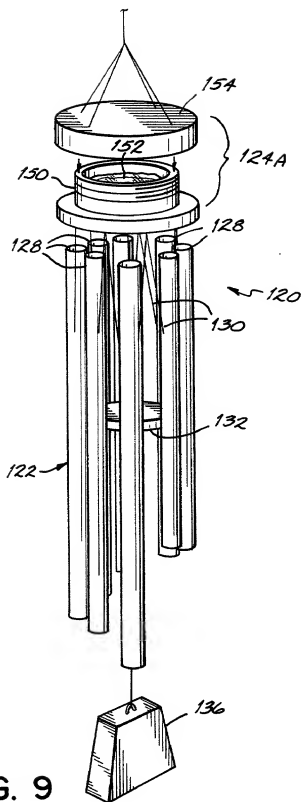


FIG. 9



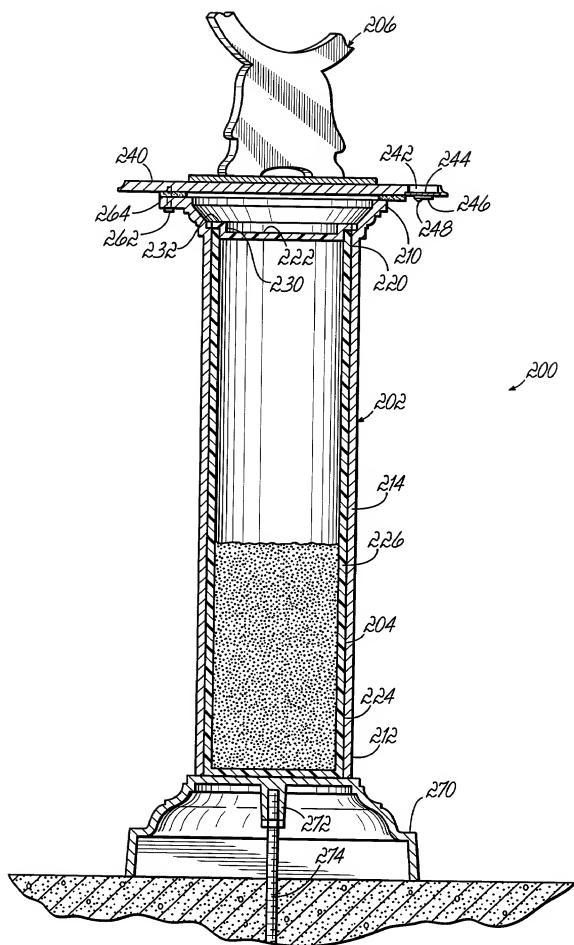


FIG. 11

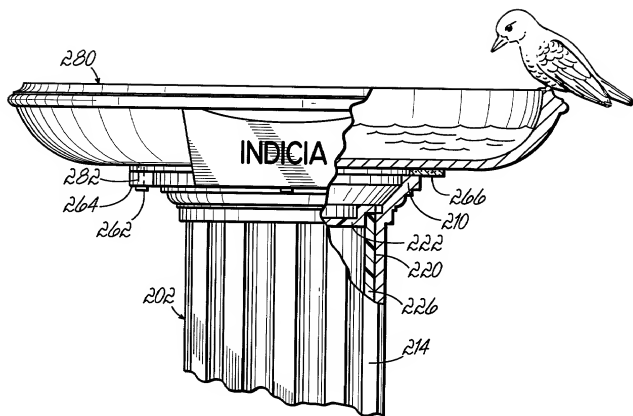


FIG. 12

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COMBINATION LAWN/GARDEN ORNAMENT AND CREMATION CONTAINER**

the specification of which (check one below):

☒ is attached hereto.

☐ was filed on \_\_\_\_ as Application Serial No. \_\_\_\_ or Express Mail No. \_\_\_\_, and was amended on \_\_\_\_ (if applicable).

☐ was filed on \_\_\_\_ as PCT International Application No. \_\_\_\_, and as amended under PCT Article 19 on \_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed?

|          |           |                      |                |
|----------|-----------|----------------------|----------------|
| _____    | _____     | _____                | ( ) Yes ( ) No |
| (Number) | (Country) | Day/Month/Year Filed |                |
|          |           |                      |                |
| _____    | _____     | _____                | ( ) Yes ( ) No |
| (Number) | (Country) | Day/Month/Year Filed |                |
|          |           |                      |                |
| _____    | _____     | _____                | ( ) Yes ( ) No |
| (Number) | (Country) | Day/Month/Year Filed |                |

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|                   |                   |   |
|-------------------|-------------------|---|
| <u>09/378,884</u> | <u>08/23/1999</u> | <u>Pending</u>                            |
| (Serial No.)      | (Filing Date)     | (Status: Patented, Pending, or Abandoned) |
| <u>09/295,557</u> | <u>04/21/1999</u> | <u>Patented</u>                           |
| (Serial No.)      | (Filing Date)     | (Status: Patented, Pending, or Abandoned) |
| <u>08/797,413</u> | <u>02/10/1997</u> | <u>Patented</u>                           |
| (Serial No.)      | (Filing Date)     | (Status: Patented, Pending, or Abandoned) |

I hereby appoint John D. Poffenberger (R. No. 20,245), Bruce Tittel (R. No. 22,324), Donald F. Frei (R. No. 21,190), David J. Josephic (R. No. 22,849), A. Ralph Navaro, Jr. (R. No. 23,050), David S. Stallard (R. No. 25,930), J. Robert Chambers (R. No. 25,448), Gregory J. Lunn (R. No. 29,945), Kurt L. Grossman (R. No. 29,799), Clement H. Luken, Jr. (R. No. 32,742), Thomas J. Burger (R. No. 32,662), Gregory F. Ahrens (R. No. 32,957), Wayne L. Jacobs (R. No. 35,553), Kurt A. Summe (R. No. 36,023), Kevin G. Rooney (R. No. 36,330), Keith R. Haupt (R. No. 37,638), Theodore R. Remaklus (R. No. 38,754), Thomas W. Humphrey (R. No. 34,353), Joseph R. Jordan (R. No. 25,686), C. Richard Eby (R. No. 25,854), David E. Pritchard (R. No. 38,273), David H. Brinkman (R. No. 40,532), J. Dwight Poffenberger, Jr. (R. No. 35,324), Beverly A. Lyman (R. No. 41,961), A. Ralph Navaro III (R. No. 46,207), Scott A. Stinebruner (R. No. 38,323), Kristi L. Davidson (R. No. 44,643), P. Andrew Blatt (R. No. 44,540), David E. Jefferies (R. No. P-

46,800), David E. Franklin (R. No. 39,194), Herbert C. Brinkman (R. No. 16,955), all of Wood, Herron & Evans, L.L.P., 2700 Carew Tower, 441 Vine Street, Cincinnati, OH 45202-2917, telephone no. (513) 241-2324, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence and telephone calls to

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Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Daniel J. Parker

Inventor's Signature  Date 15 Sept 2006

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